

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

KIRK STUTES,	:	
Plaintiff	:	
v.	:	File No. 1:07-CV-66
	:	
JASON TIPTON, DANE GRAINGER,	:	
ALEXANDRO SOLIS, JOHN	:	
FERGUSON, FRED FIGUEROA,	:	
DAVID NELLIS, JAMES TURNER,	:	
CORRECTIONS CORPORATION OF	:	
AMERICA, ROBERT HOFMANN and	:	
KEVIN ODDY,	:	
Defendants	:	

**ORDER**

The Magistrate Judge's Report and Recommendation was filed January 9, 2008 (Paper 32). After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' motion to dismiss (Paper 19) is GRANTED in part. All claims against defendants Hofmann and Oddy are DISMISSED. The Court hereby transfers the remainder of this case, including all pending motions, to the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. § 1406.

WHEREFORE, it is hereby  
ORDERED, that the Clerk of Court transfer this action to the United States District Court for the Western District of Oklahoma; and it is further

ORDERED, that ten (10) days after the date of the service of this Order, the Clerk is instructed to notify the Clerk of the United States District Court for the Western District of Oklahoma, by sending a certified copy of this Order, along with a letter that provides instructions for obtaining a read-only, court user account for use in obtaining (retrieving) the electronic record of this case from the District's CM/ECF database; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties by regular mail.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 8<sup>th</sup> day of February, 2008.

/s/ J. Garvan Murtha  
J. Garvan Murtha  
United States District Judge